

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD MCGEE,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security,

Defendant.

Case No. 3:16-CV-05583-JCC-BAT

**REPORT AND
RECOMMENDATION**

Plaintiff Ronald McGee appeals the denial of his application for disability benefits. Dkt. 3. The parties stipulate the case should be reversed and remanded; if the Commissioner does not issue a fully favorable decision on the record upon remand, then plaintiff will have the opportunity for a de novo hearing. Dkt. 15. The Court has considered the stipulation and the record and recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g).

On remand, the Commissioner will further develop the record and issue a new decision. The Commissioner will consider the additional evidence submitted to the Appeals Council; reassess Plaintiff's residual functional capacity, and in so doing, evaluate the opinion evidence provided by Dr. Khaleeq and explain the weight given to such evidence; obtain supplemental

1 vocational expert testimony to determine whether there are a significant number of jobs in the
2 national economy that plaintiff can perform; and issue a new decision.

3 The parties further stipulate that, upon proper request to the Court, plaintiff may be
4 entitled to reasonable attorney fees, expenses, and costs pursuant to 28 U.S.C. § 2412 *et seq.*

5 Because the parties have stipulated the case be remanded as set forth above, the Court
6 recommends that United States District Judge John C. Coughenour immediately approve this
7 Report and Recommendation and order the case **REVERSED** and **REMANDED** for further
8 administrative proceedings as set forth above. A proposed order accompanies this Report and
9 Recommendation.

10 DATED this 7th day of December, 2016.

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13 BRIAN A. TSUCHIDA
14 United States Magistrate Judge
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